



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Department of the Navy
File: B-225570.3
Date: December 17, 1987

DIGEST

Protester is entitled to reimbursement of its reasonable bid preparation costs and the costs of filing and pursuing its prior sustained protest since no other remedies are available.

DECISION

This responds to a letter, dated September 18, 1987, from the Assistant Secretary of the Navy (Shipbuilding and Logistics) regarding our decision The Department of the Navy--Request for Reconsideration, B-225570.2, July 20, 1987, 87-2 C.P.D. ¶ 64. In that decision, we affirmed our prior decision and recommendation in Americable International, Inc., B-225570, May 5, 1987, 87-1 C.P.D.

¶ 471. In Americable, we sustained a protest against the award of a cable television franchise agreement at the United States Naval Base, Guantanamo Bay, Cuba. We concluded that the Navy had erroneously disqualified the protester, Americable, as being nonresponsive. We recommended that the Navy reevaluate Americable's proposal and, if it found Americable in line for award, terminate the current agreement and reaward to Americable.

By letter dated September 18, 1987, the Assistant Secretary of the Navy states:

"We have been informed that [the awardee] has made significant expenditures in providing cable television services pursuant to its agreement with the United States Naval Base, Guantanamo Bay, Cuba. Under the circumstances, alternate recommendations, such as award of bid and proposal costs, may be appropriate."

Given the circumstances, we find that Americable is entitled to recover the reasonable costs it incurred in preparing its

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proposal along with the costs of filing and pursuing its protest, including attorney's fees, and we award those costs accordingly. 4 C.F.R. §§ 21.6(d), and (e); Howard Management Group--Claim for Costs, B-221889.2, June 17, 1987, 87-1 C.P.D. ¶ 601. Americable should submit its claims for costs directly to the Navy. If the parties are unable to reach an agreement within a reasonable time, this Office will determine the amount to be paid. 4 C.F.R. § 21.6(f).

for 

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of the United States